

CHARLES E. SCHUMER
NEW YORK

WT Docket 02-55

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United States Senate

WASHINGTON, DC 20510

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JUN 14 2004

May 6, 2004

Federal Communications Commission
Office of the Secretary

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell,

I write to express my concern about the Commission's reported plans for resolving the 800 MHz interference problem. I know that the Commission shares my view that public safety communication must be protected from interference resulting from the use of telecommunication technology. However, the solution to that problem should not needlessly disperse valuable public spectrum when other alternatives exist.

The Commission must ensure that any plans for relocating public safety users to new spectrum includes ample funding and an efficient timeline that will not disrupt the critical work of our nation's first responders and other public safety users. As you know, the Fraternal Order of Police and the National Law Enforcement Officers' Association have expressed concern about the cost and delay associated with implementing the plan offered by Nextel. I share this concern and am eager to hear the Commission's plans for ensuring that funding for the public safety transition will be available in a timely manner.

I am also concerned that the spectrum Nextel is seeking is a very valuable public resource. Particularly in this time of growing deficits and rising costs of homeland defense and fighting the war on terrorism, we cannot afford to give away such valuable public resources. I am aware that at least one other wireless carrier has informed the Commission that it would pay 5 billion dollars for the spectrum – enough to pay for the transition of public safety users to new channels with several billion left over for the public treasury.

There appear to be several options for ensuring that public safety users can communicate without interference, including simply relocating Nextel to a contiguous section of the 800 MHz band. The Cellular Telecommunications Industry Association has also offered a plan which would ensure non-interference without giving away valuable 1.9 MHz spectrum. I am confident that the staff of the Commission has studied this issue thoroughly and can offer several additional options that will protect public safety communication without giving away spectrum that can otherwise be sold through an auction.

PLEASE RESPOND TO THE FOLLOWING OFFICE:

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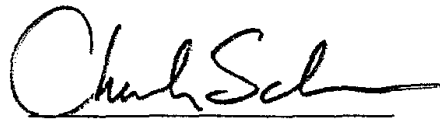


<http://schumer.senate.gov>

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The Commission should ensure that the concerns identified above and the concerns raised by others, including law enforcement officials, are addressed before it reaches an appropriate resolution to the interference issue. I look forward to hearing from you about this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Schumer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles E. Schumer
United States Senator

cc: Commissioner Copps
Commissioner Martin
Commissioner Abernathy
Commissioner Adelstein